

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

ELLIOT DAVIS,

Plaintiff,

v.

SCANSOFT, INC.,

Defendant.

Civil Action No. 03-CV-00900-WMS

(JURY TRIAL DEMANDED)

ELLIOT DAVIS' REPLY TO SCANSOFT, INC.'S
ANSWER AND COUNTERCLAIMS

Counterclaims

Plaintiff, Elliot Davis ("Davis"), for his Reply to the Counterclaims of defendant, ScanSoft, Inc.

("ScanSoft"):

1. Admits the allegations of paragraphs "1", "2" and "3".

AS TO COUNT I

2. Admits the allegations of paragraphs "4", "5" and "6";
3. Denies the allegations of paragraph "7";
4. Denies each and every allegation of Count I not hereinbefore specifically admitted, denied,

or otherwise controverted.

AS TO COUNT II

5. In response to the allegations of paragraph "8", plaintiff incorporates by reference his answer to paragraphs "1" through "7" of the Counterclaims herein.
6. Denies the allegations of paragraph "9".

7. Denies each and every allegation of Count II not hereinbefore specifically admitted, denied, or otherwise controverted.

DEFENSE

8. The Counterclaims fail to state a sufficient defense, or a claim for which relief can be granted.

WHEREFORE, Davis demands judgement dismissing ScanSoft's Counterclaims herein and awarding judgment for the relief requested in Davis's Complaint, together with such other and further relief as this Court or a jury may deem just and proper.

DATED: January 12, 2004.

Respectfully submitted,



By: _____

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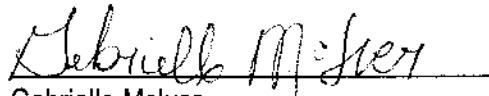
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **ELLIOT DAVIS'S REPLY TO SCANSOFT, INC.'S ANSWER AND COUNTERCLAIMS** was served upon the below-listed counsel of record by first class mail and hand delivery:

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on this 12th day of January, 2004.


Gabrielle McIver